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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re the Matter of

Review of the Prime Time
Access Rule, Section 73.658(k)
of the Commission's Rules

MM Docket No. 94-123

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**MOTION FOR EXTENSION OF TIME
FOR FILING A REPLY TO THE OPPOSITIONS TO
THE MOTION OF THE COALITION TO ENHANCE DIVERSITY
FOR AN ORDER REQUIRING THE SERVICE OF CERTAIN DATA**

Pursuant to 47 C.F.R. § 1.46, the Coalition to Enhance Diversity ("Coalition"), on its own behalf and on behalf of its members, respectfully requests that the Commission grant it an extension of time to file a reply to the Opposition of the Association of Independent Television Stations, Inc. ("INTV"), et al., and to the Comments of Capital Cities/ABC, Inc., CBS, Inc., and the National Broadcasting Company, Inc. (collectively the "Networks") to the Coalition's motion for an order requiring commenters to serve certain data on all other commenters. The Coalition's reply is currently due on January 3, 1995. The Coalition respectfully requests that the Commission extend the reply date to January 17, 1995 for the reasons set forth below.

The overriding purpose of the Coalition's motion is to ensure that all commenters are able to review thoroughly and

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test all economic analyses submitted to the Commission in connection with this proceeding in a timely fashion. The Coalition is not trying to gain access to confidential information, nor is it proposing to impose undue burdens on any party. The fact is that economists are accustomed to sharing their underlying data so that it can be independently tested. Thus, while the Coalition does not believe that any of the reasons cited in the opposition papers support a denial of the Coalition's motion, the Coalition is convinced that the concerns of the opposing parties can be accommodated while still permitting sufficient disclosure of underlying data to permit other parties and the Commission to test the analyses independently.

Before resorting to a formal, contested motion process, the Coalition proposes to attempt to resolve this procedural issue informally. To this end, on December 23 counsel for the Coalition contacted respective counsel for the opposing parties and suggested they meet to discuss their concerns. We are hopeful that they will agree to meet the first week of the new year, but the holidays and vacation schedules have prevented any definitive responses.

If the Coalition and the parties cannot resolve their differences on our own, the Coalition proposes that the Commission staff sit down with the parties and attempt to resolve the differences. To this end, we are, simultaneously


with the filing of this motion for an extension of time, asking the Commission to call such a meeting.

In order to permit the informal resolution of this issue, we ask the Commission to grant a two-week extension of time for filing the reply. Obviously, if the issue is resolved, the Coalition will not need to file a reply. Even if the issue is not resolved informally, the grant of an extension will not prejudice any of the parties to this proceeding, nor will it delay the filing of any party's comments to the Commission's Notice of Proposed Rulemaking. As the Commission is well aware, these comments are not due until March. The Coalition's motion for an order requiring service of certain data merely concerns the issue of whether commenters in this proceeding should give all other commenters the data relied upon in those comments when they are filed. The resolution of this procedural motion has no bearing on the drafting of the comments themselves.

Even if opposing counsel refuses our request to meet, and even if the Commission decides not to meet with the parties concerning the Coalition's motion, the Coalition nevertheless requests that its motion for an extension of time be granted. Counsel for the Coalition is currently out of town for the holidays. Counsel received INTV's opposition on the afternoon of December 23, 1994 and was unable to prepare a reply prior to their departure for the holidays. The requested extension of time is brief, will not delay the proceeding, and will not

prejudice any party. For all these reasons, the Coalition respectfully requests that the Commission grant its motion.

Respectfully submitted,


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Dated: December 30, 1994

CERTIFICATE OF SERVICE

I, Bonnie G. Eissner, do hereby certify that true copies of the foregoing **MOTION FOR EXTENSION OF TIME FOR FILING A REPLY TO THE OPPOSITIONS TO THE MOTION OF THE COALITION TO ENHANCE DIVERSITY FOR AN ORDER REQUIRING THE SERVICE OF CERTAIN DATA** were hand delivered, unless otherwise indicated below, to the following individuals on this 30th day of December, 1994:

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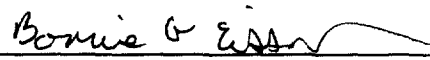
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